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Robert J. Sheheen, Speaker of the House

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Editorial Comment on Legislative Issues:

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Editorial Comment on Legislative Issues

Just because it's summer, doesn't mean South Carolina editorial writers are taking a vacation from commentary on legislative issues. From the last days of the session, to their assessment of the 1988 session, to the most recent development on the state budget, editorials of interest to House members continue to appear.

What follows is a summary of excerpts from editorials from around the state on a wide variety of major issues. These excerpts are gleaned from editorials provided the House Research Office by the South Carolina Press Association clipping service. Once again, representatives are reminded that the opinions quoted here are those of the cited newspaper, not the House Research Office.

The commentary has been arranged by issue. Editorials are from both daily and weekly newspapers and were chosen not just for their commentary, but also as a reflection of differing editorial viewpoints around the state.

Assessment of the 1988 Session

The Greenville News voiced the opinion of many editorial writers -- that this was an unusually harmonious legislation session:

The South Carolina General Assembly adjourned this year's six-month session with with more amicable feeling than can be recalled during recent years. The political good will seemed to include even the state's Republican governor who many in the predominantly Democratic assembly had expected to confront in a more adversarial way.

Plainly, much of the anticipated friction this session was lubricated away with $94 million in windfall dollars and reallocated reserve funds. Add that to the nearly $230 million growth in annual revenues anticipated from the state's growing economy, and few legislative sessions within memory have had so many new dollars to apply to so many state wants and needs.

As always, final judgment of legislative sessions turn on a more careful reading of the unwieldly funding bill and its numerous provisos enacted in the final days. Usually there are belated surprises, and more notable surprises may well be found in this year's more expansive spending package.

The State gave the 1988 session a "B" grade but lamented the loss of the Local Government Finance Act:

The 1887-88 General Assembly rates a grade of "A" to "C," depending on who's doing the grading. The "A" grade, of course, was conferred by the legislators themselves.

Whatever the worth of the 650 bills they passed, the lawmakers did go about their work with reasonable efficiency and without most of the histrionics. That's a plus. Generally missing were marathon filibusters, invective, frivolity and pablum.

The rhetoric and the action centered on such as wounded judges, safer roads and waterways, happy hours, sex education, home schooling, tort reform, saving the beaches, cheaper insurance and boosting higher education.

But there were misses, as well as hits. The Legislature with fanfare and much argument, passed a barely adequate beachfront management bill and fell short of meaningful legislation to reduce insurance costs.

The lawmakers also failed again to grant local governments the fiscal independence they deserve. The local government finance bill was weakened so much it met a deserved death, but the lawmakers did approve legislation making annexation easier.

They likewise ducked legislation on marital rape and parental consent on abortions for teenagers.

All in all, the lawmakers proved reasonably responsible in the fiscal sector. The $3 billion in the state budget bill was generally produced without mirrors.

If you're new to South Carolina legislative sessions, you may grade the session a "D." If you've watched as many as we have, you'll give it at least a "B."

While overall the Rock Hill Evening Herald thought the '88 session was productive, it, too, wanted to see some headway made on revenue sources for local governments and criticized the bond bill:

With few exceptions, members of the General Assembly rolled up their sleeves and got their work done during the session that ended last week. As a result, our state has several pieces of important legislation in place where none existed only a few months ago.

Particularly significant are a bill establishing a comprehensive health education program for South Carolina's school children and one setting new requirements for preserving the Palmetto State beachfront.

With last week's adjournment, the General Assembly did leave several issues unresolved. For example, while a proposed local option sales tax stirred little interest during the past session and was, indeed, flawed, lawmakers still haven't addressed the lack of revenues sources that critics and counties have available to pay for local government services.

Meanwhile, to cite another misstep in lawmaking, the General Assembly didn't endear itself to the taxpayers when it adopted a state bond bill that contains far too many election-year pork-barrel allocations for legislator's pet projects. The taxpayers deserve better.

Fortunately, those sorts of votes were the exception to the rule in 1988.

In short, our state is better off today than it was six months ago, when the General Assembly convened. A left-handed compliment? Perhaps. But you can't really say that every year in South Carolina.

The State Budget and Bond Bill

The Rock Hill Evening Herald had good words for this year's budgeting, although it criticized the bond bill:

What a difference a year makes!

Last year, Gov. Carroll Campbell took a scalpel (some would say it was a hatchet) to the state budget, vetoing 277 General Assembly approved items representing $17 million in state allocations.

Now turn the clock to this last week. By and large, the budget passed by the legislature was fine with Gov. Campbell, who vetoed only five line items this time around.

So what happened?

At the risk of oversimplifying the process, both sides became a little more realistic, a little more cooperative with one another, even if grudgingly so.

For example, while lawmakers didn't use Gov. Campbell's proposed budget as a basis for theirs, they did incorporate some of Campbell's objectives into their spending plan. Meantime, the governor didn't press the point so strenuously this year when the legislature deviated from what he wanted.

One particular quibble: Where was Gov. Campbell's call for austerity when it came to the bond bill and its $25 million in pork barrel projects --including bond money for a fine arts center in his home county of Greenville? For the governor to look the other way to those expenses doesn't jibe with the cut-the-flab philosophy he stressed with last year's vetoes.

With that exception, the budgeting process appears to have worked well this session. The checks and balances between the legislature and the governor are still in place, but there's a sense that the two branches are working together a bit better, that important fiscal decisions aren't being skewed by partisan politics -- at least not to the extent apparent a year ago.

The new budgeting method the House will institute this year has captured the support of some editorial writers. The following editorial excerpt is from The State:

The new simpler budgetary format which the S.C. General Assembly will start implementing next year is a sound idea provided it expedites and illuminates the legislative process without impairment to accountability or access.

In theory at least, it should make individual agencies and institutions annually more accountable for the tax revenues they receive.

So-called management by objective is a cost efficient budgetary policy which has long been used in the private sector. It makes sense, surely, for public entities, particularly a state operating on an annual budget of $3 billion, to be just as businesslike.

The streamlined approach will do away, for example, with the plethora of separate line items for equipment, travel, utilities and supplies and replace them, instead, with a single listing, "operating expenses."

That's fine, although skeptics might logically conclude that the catch-all category will make it easier to conceal sensitive or controversial expenditures. Those misgivings can be defused by guaranteeing that those who draft the budget keep a breakdown of expenses and make it readily available to legislators, the media, and, indeed, the public. Access and accountability go hand in hand. The erosion of one, perforce, erodes the other.

The Spartanburg Herald Journal is equally enthusiastic about programmatic budgeting:

A gleam of light has appeared in the long-castigated budget process for South Carolina government with a new format to be phased in beginning next year. We join with lawmakers who see it as a district improvement over the outmoded method employed for more than 60 years.

Probably the most beneficial feature is that legislators themselves will be able to assimilate the essential details of a monstrous appropriations bill. Presently, it is an almost impossible physical task.

The budget now in the legislative process is a massive document of 2,455 pages, and the bill itself is nearly 800 pages. Our budget document is the lengthiest of all the states. North Carolina's is third largest, with just a tad over 2,000 pages.

Line item budgeting is great, but South Carolina has overdone it.

The new format will present a picture of each agency's programs: What services they provide, their objectives, and their cost effectiveness.

For example: The state Department of Highways and Public Affairs **(sic)** budget will show an estimated cost of $1.12 per mile for patrolling the highways. The Consumer Affairs Division projects that it will inspect 50 businesses next year, at a cost of $660 each, to determine whether they are complying with the law. The State Library expects to spend an average of $2.51 to research each inquiry it gets from another state agency.

The first step toward reaching this ambitious objective is to show that the concept works with the 28 agencies selected to test it in next year's budgeting. We critics of the current process will be especially watchful and hopeful.

The Chester News and Reporter believes state lawmakers should use the state bond bill to help school districts with their building needs:

There's no question that one of the major problem facing the Chester County School District over the next several years is one of planning and implementing a long-range building program to replace or renovate many of the district's antiquated school buildings. Most people agree, but the huge cost of such a program makes the taxpayer more than a bit timid.

Chester County, however, is not alone in this need. Many school districts across the state face a similar problem in that there simply isn't enough funding to undertake major construction projects. That's why we feel the state legislature needs to turn its attention to a bond route to help districts finance such capital improvements.

It seems to us that if the state Capital Bond Bill can find millions of dollars to construct museums, aquariums, or even stadiums or cultural centers, then there should be enough for some public school improvements. We're not downgrading the importance of museums, stadiums or the like, for they all serve important purposes, but let's get our priorities in perspective.

What we're saying is that the S.C. General Assembly ought to take a close look at the state's Capital Bond Bill and allow the public schools to participate. There is a tremendous amount of facility improvements that are needed across the state, and individual school districts need the help.

The Budget Surplus

This editorial is from the Anderson Independent-Mail regarding the recently announced state revenue surplus:

The South Carolina government ended the fiscal year with a record-breaking $107.4 million surplus. Pretty good start on next year's budget, huh? Not so. Most of the surplus is already spent. Nevertheless, give thanks that it was a surplus.

Comptroller General Earl Morris, in announcing the unexpected size of the surplus, attributed the bulk of it to higher than anticipated personal income tax returns amounting to about $76 million.

"Santa Claus is coming," said Morris. At the same time, the conservative Morris warned the big surplus could be a "fluke" and should not be regarded as a more than one-time windfall. We trust member of the General Assembly will be reminded of that when it convenes.

Meantime, our observation --trenchant though it is not -- is that a surplus beats a deficit any time and especially when surpluses are as unfashionable as they are today.

The Charleston News and Courier objected to the state collecting more money than it will spend:

A state that is required by law to make sure it spends no more than it takes in has done it again. Good news taxpayers, so smile with Mr. Morris. However, the state that is required by law to make sure it takes in as much as it spends is not required by law to take in a lot of extra money. South Carolina has done that, too, and it's bad news.

So wipe the smile from your faces, taxpayers. They're taking more money from you in Columbia than they should. They've unbalanced the budget and an unbalanced budget is nothing to smile about. Surplus financing needs controls similar to those imposed on deficit financing or the state will always find a way to run up surpluses.

When they say that surplus financing us as bad in its own way as deficit financing, we are not saying the two are one in the same. Deficits have a life of their own. A surplus lasts only as long as spenders allow it to last.

This editorial from the Marlboro Herald-Advocate believes the surplus revenue should be passed back to the taxpayer:

While state officials observe and caution that this is a one-time development, we cannot help but wonder why South Carolina's

largess can not be shared with the very people who made it happen -- the individual taxpayers of the Palmetto State.

Instead of reduced tax bills for individual South Carolinians, it now appears middle class citizens will be paying more as Comptroller General Earl Morris has observed. The middle class taxpayer of South Carolina is getting the short end of the stick and has for quite some time as more and more of the tax burden falls on his shoulders while other classes of taxpayers gain tax relief.

There is something distressing wrong with this fiscal mumbo-jumbo South Carolinians encounter as governmental spending soars on all levels while the net income of many citizen-taxpayers fails to keep pace.

The State writes that the conformity of the state to federal tax reform was not revenue neutral:

South Carolina ended the past fiscal year with its biggest surplus ever. But, as state Comptroller General Earl Morris correctly pointed out, middle-income taxpayers have a right to grouse, since they were the ones who footed the bill for a disproportionate amount of that windfall.

In 1987, the General Assembly changed South Carolina's tax law to conform to the '86 federal tax reform act. But, said Mr. Morris, the state revisions amounted to a "backdoor tax increase" for middle-income taxpayers.

The S.C. Tax Commission disagrees. Before the state adopted federal tax reform, the commission asserted that the change would be "revenue neutral" and that it would not unduly penalize one group of taxpayers at the expense of another. Now, notwithstanding evidence to the contrary, the Tax Commission is sticking by its guns.

But that argument ignores the facts: the result of last year's tax revisions was a whopping increase in revenues. And middle-income individuals paid for most of it.

That should come as no surprise. After all, under federal tax reform, individuals lost certain deduction -- sales tax write-off, some of the interest on consumer loans, certain business expenses -- in exchange for a lower tax rate. But when the state followed suit, there was no such tit for tat: the deductions were gone, but the tax rate remained the same. Corporations and low-income individuals fared better; they now pay a lower tax rate and have not suffered a concomitant loss in deductions.

If these (middle-class) taxpayers are not irate, they should be. As a first order of business next year, the General Assembly should revise the tax law so that it is, as advertised, revenue neutral.

Local Option Sales Tax

This editorial from the Beaufort Gazette says that legislators should complete the begun by Home Rule and allow local governments some autonomy in revenue raising:

More than 12 years ago, lawmakers were debating issues surrounding Home Rule for local governments. After more than eight years of debate, the General Assembly got around to passing the Home Rule Act in 1976.

For the past decade lawmakers have debated loosening some of the revenue constraints on local governments. That, in essence, would complete the home rule legislation they began debating two decades ago.

Unfortunately, the mechanism intended to do that has all but met its demise this year. Useful legislation probably won't be enacted.

The basic dilemma of an overwhelming majority of local governments is how to provide highly demanded needs while saddled with outmoded revenue structures that simply don't provide enough money. Without revenue to carry out programs which the governments already have begun or hope to begin they face a hopeless plight.

Nearly five years ago, legislators began considering a local option sales tax bill that contained five varying forms of taxes that communities could implement provided citizens approved them in a referendum. That bill since has been renamed the Local Government Finance Act. It has been amended to the point that it has been emasculated.

Legislators seem to have forgotten the intent of the bill. They have become too bogged down in elements they should not consider.

They need to pass legislation that allows local governments the independence they should have been granted more than 12 years ago. They need to complete home rule for local governments.

This editorial, also in support of a local option sales tax, is from the Augusta Chronicle:

...There is one piece of business that if it goes unfinished could spell more misery for property owners. The Local Government Finance Act of House Speaker Robert Sheheen, D-52, passed last year in the House, but has been reworked this year by a Senate committee.

Sheheen's plan called for several different types of local tax options, but the Senate narrowed then to only one -- a 1 cent county sales tax to be used to roll back property taxes. Sheheen has withdrawn support of the Senate bill, which is why -- barring a last minute miracle -- the legislation will die.

It's a shame that local communities in the Palmetto State will be denied the same option as Georgians have to vote for other taxes, as Richmond County voters did last year when they approved an extra 1 cent sales tax to improve roads, bridges and sewers.

The General Assembly in South Carolina and elsewhere, is right not to give local governing bodies carte blanche to raise sales taxes, but it should give local voters the right to explore, and approve, other revenue raising methods.

Local governments already have carte blanche to raise property taxes and as long as it is the only tax they have, property owners will never get relief.

The Florence Morning News made this suggestion to equalize the tax burden:

The Washington-based Citizens for Tax Justice rated this state among the 10 worst in the nation in the way the sales tax treats low and middle income citizens.

The remedy, in the view of the organization, is to exempt food from sales tax and set up a rebate system for the poor.

Exempting food sounds good, but we suspect that the tax paid at the grocery checkout stations represents such a large share of the revenue total that it would take a sizable increase in the tax rate itself to make up for the loss.

There may be less drastic but more effective ways of dealing with the problem. One is so obvious that it is amazing that the legislators have allowed the situation to persist at it has. We refer to the so-called "Mercedes tax break."

Under South Carolina law, the sales tax on an automobile tops out at $300. That means the citizen who buys the $6,000 used car and his wealthier neighbor who can afford a $30,000 luxury car pay the same amount of sales tax -- hence the term "Mercedes tax break."

If the General Assembly were to root out that and any other hidden goodies that favor the rich at the expense of the poor, maybe the balance in tax burden would begin to right itself.

This editorial about additional revenue sources is from the Hilton Head Island Packet:

South Carolina will be joining its counterparts across the country when it comes to looking for additional sources of revenue, according to a S.C. lawmaker and a recent report by the National League of Cities. The meaning is that S.C.local governments are going to be looking to the legislature again next year for relief, while local governments nationwide will be looking, among other places, to the presidential campaigns for signs of relief.

The NLC report says that 48 percent of western cities reported contracting for services traditionally provided by the local government. By contrast, 26 percent of the northeastern cities in the survey took that path.

In other areas of spending, the survey found that 25 percent of the cities had reduced the number of city workers, 24 percent had raised or imposed new fees for developers, and 22 percent had frozen municipal hiring. Eighteen percent has instituted new taxes or raised sales taxes.

This debate has continued for a long time. Voters should be asking politicians running for federal, state and local offices what they intend to do about it.

The Spartanburg Herald Journal advanced the concept of impact fees:

Local governments in South Carolina, kept in a financial straitjacket by failure of the state Legislature to give them even moderate access to additional revenue sources, are pondering the use of an idea with the fetching description of "impact fees."

The premise is that housing, business and industrial developments require extension and expansion of such services as police and fire protection and sanitation. Therefore, it would be fair to impose one-time fees to cover at least some of the cost of the impact they have on existing facilities. This revenue then can be used for necessary expansions.

This subject sparks controversy. Developers usually warn that costs would be passed on to local consumers, resulting in higher prices for houses, higher costs for rentals, and so on.

One danger is that overuse could make communities, especially municipalities, noncompetitive for the kinds of development they sorely need. Any notion by local governing bodies of implementing such a new form of taxation should be approached cautiously and with extensive study of its implications.

Beachfront Management

While many editorial writers advocated a tougher beach protection law, most were satisfied some legislative action was taken on this issue. This editorial is from the Florence Morning News:

The compromise beachfront management legislation passed by the state Senate last week falls considerably short of the original bill that incorporated recommendations of the Coastal Council's blue ribbon committee. But the compromise puts enough muscle back into the legislation to warrant its passage.

Perhaps it was a political inevitability from the start that existing beach development would be grandfathered into any beach management legislation. The compromise does that. But it also puts some significant restrictions on future building along the state's beaches.

This is not nearly as strong a beachfront management bill as the state needs to protect its eroding beaches. But it is politically realistic.

It isn't all that's needed, not by a long shot. But if enacted, it will for the first time establish a setback line for building along the South Carolina coast. It does ban new seawalls. It enlarges the jurisdiction of the Coastal Council, giving it more authority to control development seaward of the 40-year erosion line.

It is a foundation upon which more adequate beach management legislation can be built.

The following editorial excerpt from the Hilton Head Island Packet praised the new beach protection law and also welcomed renourishment funding:

Beach management and beach nourishment washed in and out and up and down like flotsam and jetsam loose in the surf but hit shore more or less intact this week.

It was a relief to find out that our S.C. General Assembly, in spite of some discouraging scrambling, could enact a Beachfront Protection Act. It sets in motion a reversal of our three-decades-old trend of building more and more closer and closer to the Atlantic Ocean.

The $10 million in the state bond bill for sand replenishment is equally welcome. The $10 million is not enough money to help every troubled beach in the state, and new sand on eroding shores will eventually wash away just as the old sand washed away.

Nevertheless, by offering state money to match with local money for nourishment, the S.C. General Assembly is making an important investment that will help us keep a natural resource -- one that makes us money.

This editorial is from The Greenville News:

When the smoke cleared Wednesday afternoon, state lawmakers had approved a historic piece of legislation neither supporters nor proponents would have thought possible when the fighting began months ago: a beach protection bill that prohibits construction so close to the shore that it encourages erosion.

Retreat had been the clarion call of a blue ribbon committee that had drafted the original legislation that envisioned a

full-scale construction pull back from the state's rapidly eroding shoreline. But the bill became so riddled with weakening amendments in its heated trip though the House and Senate that its original supporters began working for defeat.

While it falls short of the full-scale retreat originally envisioned, the partial retreat the bill does mandate is far greater than had seemed possible even days ago.

Sen. James Waddell is correct in labeling this bill the most sweeping environmental legislation passed since the creation of the Coastal Council 10 years ago. Its limits on development will keep the newly approved beach renourishment program from becoming a useless exercise. And it provides the only hope South Carolinians have that there will be any coast left for future generations.

The North Myrtle Beach Times believes that the impact of the new law will not be learned until it is tested in the courts:

It took a devastating storm to serve as the impetus for the South Carolina General Assembly to enact a beachfront management law and it will likely take a similar storm to gauge the effectiveness of the recently passed legislation.

The real showdown will come in the state's courts, where property owners will likely challenge the laws and force the judicial system to make an interpretation of the public's right (the beaches) vs. the rights of the private citizen (beachfront property).

The General Assembly also took a big step forward with its inclusion of $10 million for beach renourishment in the $249 state bond bill.

The lawmakers demonstrated some admirable cooperation and the ability to make workable decisions despite their geographic and political backgrounds. Both House and Senate members indicated to the state's citizens that they are well aware of the importance of our beaches and will work together to insure their preservation.

This editorial from the Charleston Evening Post states that local governments can help ease the burden on the Coastal Council if they will pitch in and help with the initial implementation of the new beachfront management law:

A recommendation by the state Coastal Council's Permitting Committee that local government assist in implementing the new beach management act represents the kind of practical approach that must be taken if the law's objectives are to be realized.

Enactment of the law -- intended to protect beaches by restricting beachfront construction and reconstruction and ultimately requiring the removal of vertical seawalls -- increased the council's responsibilities and workload. Inasmuch as the

Legislature has provided no additional funds for implementation, it stands to reason that the more assistance the council gets from beach communities, the sooner the new provisions will be put into effect. The sooner the law is put into effect, the sooner the public will begin realizing the benefits.

The management act establishes a setback line, seaward of which is a "critical area" where building is restricted or prohibited. Because the "critical area" now is far more extensive, the Permitting Committee suggested establishing a system of general permits that could be administered with the help of local government. Such a system, according to the staff geologist, would relieve the council of some of the burden of site inspections.

The beach management bill was passed this month after the appropriations bill had been approved. It will be another year before the Legislature can -- and should -- provide more funds to meet the cost of increased operations. Until then, local governments should lend a hand when and where they can. Beach management is supposed to benefit everyone.

Highway Safety and Automobile Insurance

The Georgetown Times applauded the new Highway Safety laws set out in the Highway Safety Act, especially the vehicle confiscation provisions:

South Carolina legislators issued a stern warning Wednesday that drunk driving on our highways will no longer be tolerated. By an overwhelming majority, the Senate and House passed a comprehensive Highway Safety Bill that provides tougher DUI penalties aimed at halting the wanton slaughter on South Carolina roads.

The bill, no doubt, will have its critics because of several controversial measures, such as a provision which will allow police to confiscate cars of four-time DUI offenders. But these critics should be reminded that night hunters already lose their vehicles when they are caught hunting deer illegally. If we can use such harsh measures to protect out wildlife, shouldn't we place a higher value on human lives?

Drunk driving is potentially murderous. If this new get-tough bill can frighten at least one person who has had too many drinks from driving, our roads will be safer.

The Greenwood Index Journal thought this was a good year for get-tough law enforcement oriented legislation:

Unless we miss our guess, most folks around this area of South Carolina agree that a tough law and order attitude is a plus factor. It's nothing new. People around here have felt that way for years.

Now, though, they're beginning to see signs the state Legislature is listening to what they've been saying and it's welcome news.

Just the other day the House approved a measure that would tighten drug trafficking laws and make sure that violators served time. In the continuing battle against illegal drugs, this kind of legislation seems obvious....especially when some sentences on drug charges are considered.

In another area of public concern, the S.C. Tax Commission asked the Legislature to rewrite bingo laws to ensure that money from the games goes into bank accounts of the sponsoring tax-exempt organizations rather than to big-time promoters.

Also, and probably of significance to the most people, was legislation passed by the House and Senate to really come down hard on drivers under the influence....something the public and various organizations have sought for years.

Each year in the Legislature there are so many things to consider it seems impossible to get to them all. And then it's mind-boggling to think how much time it must take simply to read everything pertaining to every piece of legislation introduced.

It's not surprising, therefore, that a general perception grows that the public's wishes are often ignored. Sometimes they may be, too. The public is heard, though, and some of the get-tough legislation now coming down would suggest that this is one of those times.

More praise for the Highway Safety Act from the Newberry Observer, which thinks the new law might have an eventual impact on auto insurance premiums:

We don't know if our state legislators got off their cans and finally did something positive that should resolve a long-time problem in our state involving drunk drivers because they, as one members of this august body suggested, are scared of Mothers Against Drunk Drivers, or because they finally read the pulse of their constituents who are tired of seeing ruthless slaughter on our highways because of drunks.

Whatever the reason, the General Assembly is to be praised this year for adopting one of the most comprehensive Highway Safety Bills ever which, in essence, serves notice that drunken driving in South Carolina will not be tolerated.

This new law could not have come at a more appropriate time in that 1987 was the second worst year in the history of South Carolina for traffic accidents.

What is even more alarming is that a survey of coroners over the state of South Carolina showed that 75-80 percent of fatal accidents are alcohol-related.

What has been done, however, should have a measured impact on reducing fatalities in this state as well as eventually influencing insurance premiums. A very important side effect of the new Highway

Safety Bill could well be the effect it could have on reduced automobile insurance -- if it results in less accidents insurance losses will be less and any savings resulting therefrom should be passed back to the motoring public.

On the topic of automobile insurance, the Hilton Head News endorsed the two-tier rate system but said lower premiums will result when South Carolinians become better drivers:

Good drivers rejoice!
Bad drivers beware!

In an announcement that has been a long time in coming, State Insurance Commissioner John Richards last week announced that insurance premiums for nearly all drivers with clean records will be slightly lower when policies are renewed after July 1.

The new rates are a result of the Automobile Insurance Act and the Safer Highways Act. This legislation was introduced by Gov. Carroll Campbell and the General Assembly.

Hilton Head residents, many of whom come to the Island from other states, are appalled when receiving their first bills for auto insurance here. And rightly so. Such premiums would be expected in New York City, Los Angeles or other huge metropolitan areas. But in a sparsely populated state like South Carolina, the rates are ridiculous.

But it is important to realize that insurance companies are not the only ones to blame. Figures show that Palmetto State drivers are among the worst in the country. The foolproof way to lower premiums is for South Carolina drivers collectively to become better drivers. This new legislation is a step in the right direction. The standards are set to reward good drivers and penalize bad ones, The initiative for South Carolina residents to become better drivers in is place.

What the state legislature now must do is create laws to crack down on those who have no regard for the laws governing drivers in this state. Hundreds of people are arrested each year in South Carolina for driving without a license or driving without insurance. Reviews of reports from the Beaufort County Sheriff's Department regularly show drivers being arrested as many as five different times for driving under suspension.

The new legislation rewarding good drivers and penalizing bad drivers is a promising start to insurance reform. Severe punishment of repeatedly bad drivers will make reform even more successful.

The Newberry Observer writes that mandatory seat belt use would also lower premiums:

On February 19 of this year, Georgia became the 32nd state to pass a safety belt law. The law was signed by Gov. Joe Frank Harris

and goes into effect Sept. 1, 1988. We should remember that North Carolina has had such a law for a couple of years and so has Florida and Virginia, among the several southern states.

Safety, it appears, does not have an appeal to the American public. Many of us seem to savor flirting with danger. And so when our lawmakers suggest tightening up on our safety by introducing legislation, there's a loud cry across the land that it is not right for our government to control our lives in that manner.

But now there seems to be another influence entering the picture that Americans everywhere can relate to -- money. This may case better public acceptance of seat belt laws.

For example, we read that in several states with seat belt laws, insurance rates have been lowered. Well, how about that. In South Carolina, where motorists pay through the nose for our automobile insurance, a mandatory seat belt law could represent the answer to lower premiums.

It's okay with the American public to flirt with our lives. But when something messes with our pocketbooks, we tend to become fidgety. If we could save insurance money by buckling up, then most of us wouldn't object so bitterly. We look for this to be the answer to adopting mandatory seat belts in the near future.

Education and Higher Education

This editorial from the Myrtle Beach Sun News voices concern about the negative impact the Education Finance Act has on some counties:

Pity York County. That bedroom for the sprawling Charlotte/Mecklenburg, N.C. metropolis just across the state line has gotten so rich in property valuations that it will receive no basic educational funds from the state next year.

York's "wealth," as determined by property values, denies taxpayers any assistance from the Educational Finance Act, the basic state funding mechanism. The school district is the recipient of many millions of dollars in property valuation because a nuclear generating plant went on the books.

Taxpayers there will have to pay all the basic educational needs of public schools. Had the state House of Representatives not completely dropped York from the appropriations bill, in fact, York would have owed the state $6 million under the inflexible formula.

That's many miles away from the coast. However, Horry County can perceive what it faces as property values soar in resort and non-urban areas. Next year alone, Horry County schools will lose $3.2 million from the state.

One major change should be made in the state's funding formula: A base should be established for all districts, below which basic

state funding will not fall. The EFA idea was a good one to equalize education throughout the state; more state money is sent to districts least able to raise local taxes. However, the growth of some districts has outstripped the formula, and it needs to be changed.

The Greenwood Index Journal calls for more work to be done to combat school drop outs:

One of the problems plaguing public schools has been and is a high dropout rate. It's finally received attention. A task force studying the EIA has recommended changes to reduce the dropout rate of 25 to 30 percent. Dropout prevention programs could include tutoring, counseling and even peer counseling, said one task force member.

Whatever the recommendation, it's obvious that money spent in preventing dropouts could have nothing but positive effects, and in the long run mean savings for taxpayers.

Consider this year's graduating class at Greenwood High School. According to District 50 figures, it graduated 539. However, that class started in the first grade with 736 and began the ninth grade with 700 and the 10th grade with 694. At the beginning of this year there were 557 members of the senior class.

The large amount spent on education and that kind of result make the best argument for seeking solutions. Nothing more is needed to prove that dropouts cause a major problem. The state would be foolish to let it continue.

Here is another editorial about the drop out problem from the Lancaster News:

The state's Education Improvement Act is beginning to show that it is working. Scholastic Aptitude Test scores have increased. Students are spending more time on their studies and less on extracurricular activities.

But the Achilles heel of the EIA remains the drop out rate, averaging between 25 and 30 percent throughout the state. Reasons for this alarming figure are varied, depending on which expert is doing the talking at the time. There is one common denominator, however. The root of most dropouts can be traced the earlier grades.

Throwing money at problems is not always in the state's best interests. But high school dropouts are everyone's problem and it looks as if this is one issue that is going to require additional funding. Hopefully, the task force and the lawmakers can come up with a plan that will make a dent in the rate. The EIA has meant much to this state. If a plan can be developed that can keep it from being compromised by reducing the number of dropouts, all of South Carolina will have been well served.

This editorial excerpt from the Florence Morning News endorsed the new state standards for home instruction:

Now that the state has established home schooling criteria, including the basic curriculum, number of instruction hours and the minimum qualifications for an at-home teacher, local school districts should have an easier time of it. The rules are no longer subject to local adjustment. So if a parent who wants to teach at home doesn't meet the qualification standard, his beef is with the state, not the local school district.

Part of the debate all along has been whether some academic training beyond high school should be the bare minimum to qualify a parent for home teaching. The standards approved by the Legislature settles that by allowing a parent with only a high school diploma to teach at home. For now, a requirement that those meeting only the minimum qualification also pass a basic skills examination is on hold, awaiting evaluation by the state Department of Education to verify its validity.

The basic skills test requirement hardly seems unreasonable. Most parents who teach their children at home are college-educated, or have some college. But to be frank about it, many a recipient of a high school diploma in the recent past has been far from proficient in the basic skills. And sometimes GEDs have been awarded even more casually.

There are about 400 South Carolina parents teaching their children at home. That is their right. By the same token, the state has an obligation to see to it that all children receive a quality education. Therefore the state is obliged to maintain standards for home schooling that assures that no child gets shortchanged educationally.

The Charlotte Observer wrote that it wished the General Assembly had appropriated more money for the Commission on Higher Education's "Cutting Edge:"

The S.C. Legislature apparently is going to give the state's colleges and universities a small transfusion of new money, but it will be anemic compared to the original proposal from the S.C. Commission on Higher Education.

Combining new programs and the "formula funding" increase, the commission wanted an additional $94 million and apparently will get less than half that, or $43.5 million.

Of the $30.9 million request, the commission wanted to use $25 million for research, largely at the University of South Carolina, Clemson University and the Medical University of South Carolina. Almost $3 million was to go to endowed professorships, $1.2 million to automate the library of the technical education system and the balance for merit scholarships, grants and other new programs. If

the legislature appropriates $5 million, $3.5 million will go for research, with most of the balance for scholarships and endowed professorships. Spread among that many institutions, that amount of money can't have much impact.

Gov. Carroll Campbell is guilty of hyperbole in saying, "This legislation is a big step forward in our efforts to build world-class universities in South Carolina." If the legislature had come through with anything approaching what the higher education commission conceived, "world-class" might be a realistic goal. But it didn't.

A number of editorial writers liked the idea of a regents system to oversee the state's colleges and universities. Here is an editorial from the Myrtle Beach Sun News on the issue:

The state Senate has expelled a very sensible proposal for a board of regents for all public higher education. Instead, it moved in exactly the opposite direction by creating separate boards of trustees for three colleges that had been governed by one board.

Sen. Hugh Leatherman authored the bill to consolidate state colleges and universities, but this approach was hardly given the time of day. It was indeed introduced late in the session, but consolidating universities and colleges makes such uncommon good sense the timing should not have been debilitating. The senator estimates $150 million a year could eventually be saved through consolidation.

The only real roadblock to consolidation, beyond provincialism by each institution, is the will of Thomas Clemson that gave Clemson University its land and created a separate board of trustees. That could perhaps be broken or revised by a dedicated, sincere effort by Clemson itself.

A new state system is needed, and Leatherman will try again next year to create a board of regents -- as Georgia and North Carolina have -- to save money and improve the state's productivity in higher education. At that time, the entire General Assembly should listen.

However, the Charleston Post-Courier thinks a consolidated regents system is a bad idea:

An organizationally unwieldly, operationally burdensome and fiscally irrelevent arrangement under which boards of three state colleges were combined into one super-board of trustees is on its last legs -- the spokesmen for the College of Charleston, Lander and Francis Marion are justified in celebrating.

Superboards appeal to people who think the way to get things done is by centralization, more centralization and still more centralization. Colleges must have independence so that they can

develop freely. For those who have to deal with a diversity of problems that require diversified solutions, centralized boards are a pain in the neck. The only way, in fact, that the combined board of those three colleges ever got anything done was by dividing itself into three committees which met to rubber stamp one another's decisions.

Sen. Leatherman, reading the handwriting on the wall, has decided his measure has not the votes to pass this year. Nor next year, we hope -- or the year after that. Sen. Leatherman says he will keep trying. Centralization, more centralization and still more centralization sounds so good, but it won't work for colleges and universities.

Judgeship Selection

No other topic, with the exception of beachfront management, generated as much editorial comment as last spring's judicial elections. The following is a broad overview of the many views expressed on the editorial pages of the state.

The Florence Morning News called for reform of the method of selecting judges, except by popular election:

Almost anything short of electing judges by popular vote would be an improvement in the system used to select judges in South Carolina.

In the wake of sensational testimony at hearings earlier this year which resulted in two sitting circuit judges withdrawing when their fitness for election came under serious question, the state bar association has offered to make available to legislators their members' ratings of judges.

Helpful, yes, but hardly a perfect tool for evaluating the performance of judges. Bar president John Johnston of Greenville readily admits that some lawyers may tone down their evaluations or avoid making an evaluation out of fear of retaliation from a judge in whose court they will be practicing. Although the surveys are anonymous, Johnson said it's not that difficult "to figure out what came from where" in small counties.

Historically, legislators have always been cool to any proposal that posed a dilution of their powers. But the episodes earlier this year with the two sitting judges underscored as nothing else has the need for reform of the system used to select judges. Surely, that need is as clear to legislators as to others.

This editorial from the Charleston Evening Post is about the judicial grievance procedure now in place within the court system and its effectiveness in light of last spring's judicial screenings.

Too bad the grievance process now in place doesn't work better. We hear over and over from lawyers that the system is so ineffectual that they are afraid to use it to air their complaints. While the bar did institute an anonymous statewide evaluation of judges several years ago, the results aren't made available to the public.

With the history of protectionism, we are reluctant to see citizens who do have complaints against the judiciary discouraged from coming forward (to the screening committee). That's not to say "hearsay" should be allowed, but neither should the prospective witnesses be grilled in advance to the point of intimidation.

While he recognizes some fine-tuning of the system may be in order, Florence Sen. Tom Smith, chairman of the screening committee, has noted that every time he thinks of ways to change, "there's a counter-argument." Putting deadlines on when charges are brought or testimony given (to the legislative screening committee), for example, presents the danger of limiting pertinent information. If imperfections in the system are inevitable, then the error must be on the side of accountability.

The Charleston Evening Post supports adoption of the judicial selection method advanced by the State Bar Association:

You've heard it before and you'll hear it again and again. Defenders of the current selection process content not only that the system doesn't need repair but also that the unprecedented controversy this past session which saw two sitting judges thwarted in their election bids prove that the system actually works. That's wishful thinking.

The fact is the system has some gaping flaws. The system, for example, didn't remove 2nd Circuit Judge Rodney A. Peeples from consideration for the state Supreme Court despite the fact that a majority of the joint legislative screening committee failed to find him qualified. The system not only would have permitted his nomination, but his prior legislative commitments might even have put him on the high court. A number of factors apparently led to the judge's decision to withdraw from the race, but the "system" hardly deserves credit.

Neither, as a matter of fact, would the system have prevented outgoing 9th Circuit Judge Lawrence E. Richter Jr. from being nominated for re-election even if a majority of the screeners had voted against finding him qualified. The judge withdrew before that expected vote was taken. But again, don't credit a system with working well that rewards the candidate with the most expertise in locking up legislative pledges.

Now that the Bar has come up with an eminently sensible yet conservative approach to repairing the system, the next move is up to the legislators. Only the General Assembly can agree to put the proposed constitutional amendment on the ballot. Of course, the voters can have something to say in the legislative elections this fall about who makes that decision. A candidate's stand on whether the judicial selection system needs fixing is one good yardstick for deciding whether he or she deserves your vote and support.

While the Anderson Independent-Mail believes the Bar Association's proposal is worth considering, it says the first step to judicial reform is to stop advance vote pledging.

The S.C. Bar Association has adopted a proposal that deserves serious consideration if, as described by one spokesman, "it would take the election of judges as far away from politics as we can." That, we think, is a worthy objective.

Bar association members, including some legislators, reportedly think the time is right in view of two acrimonious screening battles this year. The intense pledge-seeking and lobbying raised widespread public criticism of the selection process.

The washing of alleged judicial dirty linen also revived talk of public election of judges at all levels. This, in our opinion, would plunge the judiciary deeper into politics than it is now.

The first hurdle to be leaped, however, must be enactment of a ban on premature pledging and require public pressure hitherto missing in the fight for judicial reform.

The Greenville News argues that legislative election of judges should be maintained, but re-election should be left up to the public:

The South Carolina Bar proposes the wrong kind of reform for selecting judges of our state courts. The bar wants to make the selection process less controversial in the Legislature. What's needed instead is a way to make judges more independent of continual legislative influence.

But reforming away controversy isn't needed: The current legislative screening of judicial candidates isn't controversial except when reviewing the record of individuals of debatable fitness. And public exposure of these matters is a positive contribution to public understanding of the court system.

In all events, the judiciary of this state isn't flawed because individual legislators have the inside track to fill judicial vacancies. The flaw is institutional because after election to the bench judges remain politically dependent on the good will of

lawmakers in order to win periodic re-election or to move up from Family Court to Circuit Court or to the Court of Appeals or the Supreme Court.

The genuine reform needed is an end to legislative re-election of judges, and substitution of popular retention so that judges can become independent professionals accountable to the public and a more open disciplinary process. Popular retention of judges, wherein their names appear alone on a ballot for "yes" or "no" votes, is used in many states to assure a more independent judiciary.

The bar proposal doesn't ever represent independent advice. The South Carolina Bar is not a professional organization but a subsidiary agency established and organized by the Supreme Court. In any other context the bar would be called a company union, with the high court being the company.

Until the state's highest court itself becomes more interested in political independence, the reforms proposed by its creature agency are unlikely to serve either the public interest or the rule of law.

This editorial is from the Augusta Chronicle:

It should be obvious to nearly everyone that South Carolina has a terrible system of selecting judges and the General Assembly should not miss the opportunity it has before it to improve the system.

Sen. Hugh Leatherman of Florence has offered two bills that represent legitimate reform of the process.

Leatherman proposes revamping the judicial screening committee, which currently is made up entirely of legislators, by adding lay and lawyer members from outside the General Assembly.

Leatherman also proposes that the General Assembly be prohibited from considering any candidate for judge determined by the screening committee to be unfit, unqualified or unsatisfactory. That prohibition would require a constitutional amendment, subject to vote of the people, and thus is contained in separate legislation.

After the screening process, the General Assembly would elect judges as it does now.

The proposals may not be everything a purist might hope for, but undoubtedly they are as much as can be attained at this time. This newspaper urges their adoption.

The State added its voice in favor of the Bar Association proposal:

The question of changing the state's method of selecting judges has been a live one since earlier this year when two sitting judges fell by the wayside after hearings before the Judicial Screening Committee of the General Assembly.

The system was improved in 1975 when the Legislature established that panel to examine the candidates and certify them as "qualified" or "unqualified." That was done, many think, to take the steam out of a campaign by the South Carolina Bar on behalf of a merit selection system for judges.

This week at the South Carolina Bar's convention in Charleston, the House of Delegates is expected to consider a far more sweeping proposal --one that is a refinement of its earlier merit selection plan. The bar's Judicial Modernization Committee has drafted a proposed constitutional amendment that has much to recommend it.

It would establish a Judicial Nominating Commission to help the Legislature pick judges. Unlike the current screening panel, which is made up solely of lawyer-legislators, the commission would have outside members.

Until the Legislature receives these nominations, applicants would be forbidden to campaign directly or indirectly among lawmakers. No person, at any time, could seek pledges, and no legislator could give them. Unfortunately, no penalty is provided. Without one, this could be hard to enforce.

As Justice Littlejohn has said many times, there is no perfect way to elect judges. Politics are involved in every system used in the country. But this proposal reduces that element and offers the prospect of an improved judiciary. We urge the House of Delegates to give it a strong endorsement in the hopes that the General Assembly will later view it with favor.

This is another editorial from the Charleston Evening Post:

At the height of the Richter controversy there was much talk about changing the system, with proposals ranging from popular elections to citizen search committees. We oppose the popular elections but like the idea of requiring at least three nominees for all judicial positions.

But despite all the legislative headaches judicial selection has created recently, this is a power that won't be relinquished or shared readily. It will take the determined leadership of a group such as the Bar Association, motivated by concerned members of the legal community, or a good government group such as the League of Women Voters before there's a chance of change.

Although this editorial is not on the issue of judgeship selection, it does address a matter essential to the courts. Here the Rock Hill Evening Herald praises the General Assembly for changing the way jurors are selected:

Legislative approval of a bill to add licensed drivers to the pool of jurors in South Carolina courts is good news for at least two reasons.

For one, this proposal would eliminate a frequent excuse some people use for not registering to vote. "If I register to vote, then they might call me for jury duty," these folks have lamented, as if serving on a jury were akin to, say, undergoing root canal work.

Second and more important, the use of drivers license records as a source of names of potential jurors significantly expands the pool of citizens to hear cases in our civil and criminal courts.

...Heretofore, a relatively small percentage of citizens has had to carry the full weight of supporting the election and judicial systems, by voting and serving on juries. Not all of those folks who skip out on jury duty are ill-informed or ignorant; a good many, one presumes, are just plain indifferent about elections. What;s wrong with bringing them into the process and thus helping ease the burden on everyone else? Their obligations as citizen do not cease with paying taxes.

This proposal won't become law unless agreed to by the voters in a statewide referendum (A privilege, ironically, that will be denied those who failed to register in order to dodge jury duty). The General Assembly's approval after nearly six years of on-again, off-again debate is only a first step, albeit an important one.

Health Care

The Greenville News is worried about the added expense to the state that the new federal catastrophic health care law will bring:

One effect of the new federal catastrophic health care law that's largely been overlooked is its impact upon South Carolina's state budget -- about $19 million annually in four years.

A quick analysis of the expansion's impact on South Carolina's budget shows that by 1993, the General Assembly will have to appropriate about $19 million annually in new money for Medicaid.

South Carolina already covers infants and their mothers, so that provision will have little impact.

But rough estimates from the state Health and Human Services Finance Commission indicate the payment of Medicaid premiums and deductibles will add 47,000 people to Medicaid eligibility rolls in four years. The total cost is estimated at $60 million annually, of which $18 million would be state money. With the new law going into effect in the middle of the state budget year, the commission may have to ask for a supplemental appropriation of $3.5 million to cover the 19,000 people expected to become eligible on Jan. 1, 1989.

The spousal impoverishment provision would add another $700,000 to the state's tab.

It must be noted that these numbers reflect only a best guess of what the new law will cost the state, a guess based upon an assumption that the regulations that follow the law will be a reasonable continuation of rules now in force.

That's another way of saying the new law will cost the state, but nobody knows how much.

Miscellaneous

Here are a number of editorial excerpts from other issues of interest to legislators.

The Greenville Piedmont had this to say about recent news stories concerning lease-purchase agreements by state government:

State leaders would do well to dust off a study the government conducted only two or three years ago. That review, says state Treasurer Grady Patterson, a long-time critic of lease-purchase, found that such agreements cost 40 percent to 60 percent more than traditional financing for new office buildings. He openly questions whether the ability to build faster through lease-purchase is worth the additional expense to state taxpayers.

Taxpayers should be asking the same question. South Carolina's wasteful lease practices are just another example of government's propensity for taking the expedient route. In this case, private developers are the beneficiaries. With elections just around the corner, taxpayers need to remind their legislators who they're supposed to be serving.

The Chester News and Reporter was distressed after a bus accident hurt dozens of school children from Greenwood. Here is its commentary:

It was distressing enough to hear of the April 19 traffic accident in York County in which many of the 48 Greenwood school children aboard a chartered bus were injured. Why a driver with 14 previous traffic violations would be entrusted to transport so many children is beyond comprehension.

South Carolina is trying to toughen its laws through the Highway Safety Act, but legislators need to determine (when) the state should refuse to allow a driver the privilege of a driver's license. As for bus companies employing such drivers, litigation that will likely follow this accident will cause them to impose more stringent standards.

The Greenville News suggests the Legislature should look into the way the state oversees truck safety:

The Legislative Audit Council has been nothing if not consistent over the years in calling for the consolidation of truck safety efforts in the Highway Department. The audit council made its pitch again in a report on the PSC released last week, and the proposal is sensible enough to be implemented.

The council's position is not that the PSC has been a particularly poor steward of its safety responsibilities. It is rather that the divided function is inherently inefficient.

The audit council made its proposal against the background of its larger recommendation for decreased PSC oversight of trucking companies. It is much the same proposal the council made in a 1982 audit of the PSC, which reflected the council's conclusion in 1977 that truck safety programs would be more efficient under the Highway Department. Studies done in 1970 and 1976 by private consultants also recommended transferring truck inspection programs to the Highway Department.

That the same conclusion has been reached so consistently for nearly 20 years is compelling, and the General Assembly should not wait another 20 years to end this wasteful, overlapping regulation.

Bingo operations were again in the news. The State writes that bingo regulations in South Carolina need to be tightened up:

Several years ago, North Carolina started cracking down on big time bingo operations. The promoters moved south to take advantage of this state's legal loopholes and haphazard law enforcement. Last year, the General Assembly raised admission and license fees and the ceiling on the game pots from $30,000 to $250,000 and, for the first time, required regular reports to the Secretary of State's office and the Tax Commission. Even so, bingo operators and tax officials contend the reports are meaningless because the figures and other information required on the report -- monthly and annual gross proceeds and the amounts paid to players -- are not detailed enough.

In addition to vague reporting procedures, critical statutory flaws remain in the absence of regulation or licensing of promoters who run the bingo games, inadequate background checks of bingo sponsors and no clear delineation of authority with regard to law enforcement.

The Charleston Evening Post writes that it's time the state initiated infectious waste regulations:

The state Department of Health and Environmental Control is under fire for knuckling under to the operators of the Hampton

County incinerator, which DHEC shut down briefly last week. The facts, however, say that the pressure to better protect residents of this state from mishandled infectious waste is being misdirected. To better control the conditions under which everything from blood and needles to human organs are being disposed of, DHEC needs some very special tools. Only the General Assembly has the power to provide them.

No federal laws or regulations govern the disposal of infectious waste. In effect, it's up to the states. And now that most of the states have decided that infectious waste needs special attention, South Carolina's highways will become even more crowded with trucks carrying tons of infectious garbage from out of state. Maybe it can be recorded as progress that at least state officials aren't greeting this new "industry" with open arms as they did some years ago with nuclear waste. But even if the Legislature isn't exactly extending the welcome mat, inaction can produce the same results.

This editorial from The Greenville News thought it was a good move to improve the retirement benefits of law enforcement officers:

What couldn't be done at the front end, state law enforcement officers have finally managed to do at the rear. After months of lobbying, the General Assembly approved a bill last week that will significantly raise retirement benefits for active and inactive officers participating in the Police Officers Retirement System.

Will the new benefits serve as the hoped-for carrot to lure efficient officers into staying with the force rather than leaving for higher paying private jobs? Who can say? There's also the chance the benefits will have a similar staying effect on the inevitable dead wood within the ranks -- but that's clearly a chance sheriffs and police chiefs are willing to take.

Short of the state mandating minimum pay standards for local governments, it may be the best they -- and the Legislature -- can hope to accomplish.